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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/753,708

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Malcolm G. Thomson

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07/26/2005

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
100 GALLERIA PARKWAY, NW  
STE 1750  
ATLANTA, GA 30339-5948

EXAMINER

JEANGLAUDE, JEAN BRUNER

ART UNIT

PAPER NUMBER

2819

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/753,708

Applicant(s)

THOMSON, MALCOLM G.

Examiner

Jean B. Jeanglaude

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on 7-15-05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 19- 38,40 is/are allowed.
- 6) ☒ Claim(s) 2, 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **Detailed Action**

#### **Response To Amendments/Arguments**

Applicant's arguments with respect to claims 1, 2, 19 - 40 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Signore et al. (US Patent Number 5,157,395) in view of Kerth et al. (US Patent Number 5,579,247) and Xue et al. (US Patent Number 6,108,622).

3. Regarding claims 2, 39, Del Signore et al. discloses a system (figs. 2, 3) that comprises a decimation element (12, figs. 2, 3) that provides a signal to a filter bank input node (18a,...18d in fig. 2; 20a,..., 20z in fig. 3 are the bank filters. These filters receives a signal at the node as shown in figs. 2, 3) adapted to receive a signal having noise; and selectable filters (19, fig. 2; 22a,...22z, fig. 3) , each filter being configured to reduce noise (inherent, one of the purpose of a filter is to reduce noise), the selectable filters including a filter having a sub-hertz 3-dB cutoff frequency (fig. 9a)[as shown in fig. 9a, the cutoff frequency appears to be 70.7% of 1 kHz value, thereby the sub-hertz of the selected filter is about 3-dB cutoff frequency) and the filters implemented in Del Signore et al.'s system are a SINC filters (col 7, lines44 – 48). Del Signore et al. does

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not specifically disclose a system that comprises a material metering machine which comprises a decimation element. However, Kerth et al., in a related field, discloses a system (fig. 1) that that comprises a material metering machine (12) which comprises a decimation element. (36, fig. 3; col. 5, lines 21 – 24) and processor (24, fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Del Signore et al.'s system with that of Kerth et al. for the purpose of decreasing or reducing interference and noise sensitivities of ratiometric converter types of circuits.

4. Moreover, both Signore et al. and Kerth et al disclose the limitations as discussed above except the system comprising a material metering machine comprising a decimation element, the element is configured to reduce an initial sampling rate of a digital signal to a reduced sampling rate. However, Xue et al., in a related field, discloses a system (figs. 1 – 5) machine comprising a decimation element, the element is configured to reduce an initial sampling rate of a digital signal to a reduced sampling rate (col. 14, lines 22 – 26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Signore et al. and Kerth et al.'s system with that of Xue et al. in order to control linear PCM scaling and decimation in an audio decoder.

#### **Allowable Subject Matter**

Claims 1, 19 – 38, 40 are allowable.

### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTOL-892).

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Jeanglaude whose telephone number is 571-272-1804. The examiner can normally be reached on Monday - Friday 7:30 A. M. - 5:00 P.M..

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean Bruner Jeanglaude

Primary Examiner

July 22, 2005